

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

**RECEIVED**

Michael Snyder

NOV 23 2009

vs.

**EMPLOYMENT LAW  
GROUP**

Dollar General, a/k/a Dolgencorp, Inc., A Corporation

SUMMONS BY CERTIFIED MAIL

DOC. 1101 NO. 671

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS )

This is to notify Dollar General, a/k/a Dolgencorp, Inc.,  
A Corporation

Defendant that you have been sued by Michael Snyder

Plaintiff in the District Court of said County, and that in order to defend the lawsuit you must file an appropriate written response on or before thirty days after service of Summons and Complaint, in answer to the Complaint said Plaintiff filed against you in the Office of the Clerk of said Court or such Complaint will be taken as true and judgment entered accordingly for the relief demanded in the attached Complaint.

RETURN of this Summons is due within ten days after return of the signed receipt.

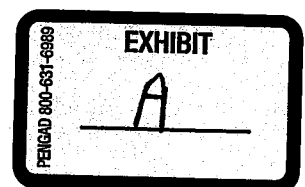
WITNESS my signature and the Seal of said Court at Omaha and issued this 17<sup>th</sup> day of November, 2009.

JOHN M. FRIEND, CLERK

BY:   
Deputy

ATTORNEY FOR PLAINTIFF:

NAME: Richard J. Dinsmore  
ADDRESS: 1905 Harney Street, Suite 710  
Omaha, Nebraska 68102  
PHONE: (402) 341-2020



JOHN M. FRIEND

NOV 17 2009

IN THE DISTRICT COURT FOR THE DISTRICT OF DOUGLAS COUNTY, NEBRASKA

MICHAEL SNYDER,

Plaintiff,

v.

DOLLAR GENERAL,  
a/k/a DOLGENCORP, INC.,  
A Corporation,

Defendant.

) Docket 1101 Page 671

COPY

) **COMPLAINT**  
) **(law)**

) JURY TRIAL DEMANDED

) Assigned to Judge Coffey

COMES NOW Plaintiff Michael Snyder, by and through his attorneys hereinafter identified, and for his cause of action against Defendant Dollar General, a/k/a Dolgencorp, Inc. (hereinafter "Dollar General"), states as follows:

**JURISDICTION**

1. This action is brought pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et. seq. and the Nebraska Fair Employment Practices Act, § 48-1104, to redress the unlawful violations by the Defendant constituting discrimination against Plaintiff Michael Snyder. The jurisdiction of this Court is invoked pursuant to these statutes.
2. The unlawful employment practices alleged below were committed in Omaha, Douglas County, Nebraska.
3. Defendant Dollar General is an employer within the meaning of the Americans with Disabilities Act of 1990 and the Nebraska Fair Employment Practices Act.
4. Timeliness and all other jurisdictional requirements have been met.

#### ADMINISTRATIVE PROCEDURES

5. Plaintiff filed a charge of discrimination against Defendant with the State of Nebraska Equal Opportunity Commission (NEOC). Plaintiff's charge was investigated by the NEOC, which found that there was reasonable cause to believe that Defendant had unlawfully discriminated against Plaintiff Michael Snyder.

6. On September 1, 2009, Plaintiff received from NEOC a notice entitling Plaintiff to commence suit against the Defendant under the Nebraska Fair Employment Practice Act within 90 days of receipt of such notice. A copy of this notice is attached hereto, marked Exhibit 'A', and is incorporated herein by reference.

7. The present action is filed within the 90 day period following receipt of the Notice of Right to Sue issued by the NEOC.

8. Plaintiff has satisfied all private, administrative and judicial prerequisites for the institution of this action.

#### PARTIES

9. Plaintiff Michael Snyder is a resident of Omaha, Douglas County, Nebraska. Plaintiff is an "eligible employee" as that term is defined within the meaning of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §12101, et seq. Plaintiff is disabled and within the protected class of disability under the ADA.

10. Defendant Dollar General is a corporation with its principal place of business in a state other than Nebraska. Defendant maintains a business in Omaha, Douglas County, Nebraska. Defendant is an "employer" as that term is defined within the meaning of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq.

### STATEMENT OF CLAIMS AND ALLEGATIONS

11. Plaintiff was employed by Defendant, beginning on or about April 28, 2003, as a store clerk at Defendant's store at 9725 Q Street, Omaha, Nebraska 68127. Up to the time of the events described below, Defendant accommodated Plaintiff's disability and Plaintiff's performance was satisfactory.

12. In October 2007, Defendant's store manager assigned Plaintiff the extra duty of stocking shelves of totes. Plaintiff advised the store manager that he was unable to stock the assigned totes because the job duty was beyond his physical capabilities. Defendant's store manager advised that Plaintiff would be disciplined for failing to perform the assignment. Shortly thereafter, Defendant's store manager cut Plaintiff's assigned working hours. Defendant's store manager also scheduled Plaintiff's remaining hours for days which he was unable to work because of weekly scheduled medical procedures. Plaintiff asked to be returned to his previous schedule but his request was refused. Plaintiff contacted the Regional Manager to request that his medical restrictions be followed and that the store manager be advised. The Regional Manager refused. As a result, Plaintiff was forced to resign or face being disciplined and terminated for failing to perform the tasks required by the store manager.

### FIRST THEORY OF RECOVERY

Plaintiff re-alleges and incorporates herein by reference the allegations contained within paragraphs 1-12, as fully set forth herein and further alleges as follows:

13. Defendant has engaged in unlawful employment practices in violation of the Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.* These practices include, but are not limited to, the Defendant's unlawful failure to accommodate Plaintiff's disability, Defendant's

unlawful reduction of Plaintiff's work hours and duties, and Defendant's unlawful disciplining of Plaintiff, a qualified individual, who was disabled.

WHEREFORE, Plaintiff prays for:

- a) an award of back pay to compensate Plaintiff for loss of salary, employment benefits, promotions and other job opportunities he has suffered;
- b) an order directing the Defendant to place Plaintiff in a position he would have held or would be holding had he not been discriminated against, such award including, but not limited to, reinstatement or payment of front pay for reasonable time in the future;
- c) an award of costs of this suit and reasonable attorneys fees as allowed under the Americans with Disabilities Act;
- d) an award of prejudgment interest;
- e) an order enjoining the Defendant from engaging in unlawful discrimination practices;
- f) an order granting compensatory damages for pain and suffering of the Plaintiff as a result of the treatment to the Plaintiff by Defendant;
- g) for punitive damages; and
- h) for such other and further relief as the Court deems just and proper under the circumstances.

#### SECOND THEORY OF RECOVERY

Plaintiff re-alleges and incorporates herein by reference the allegations contained within paragraphs 1-12, as fully set forth herein and further alleges as follows:

14. Defendant has engaged in unlawful employment practices in violation of the Nebraska Fair Employment Practices Act, §48-1104. These practices include, but are not limited to, the Defendant's unlawful failure to accommodate Plaintiff's disability, Defendant's unlawful reduction of Plaintiff's work hours and duties, and Defendant's unlawful disciplining of Plaintiff, a qualified individual, who was disabled.

WHEREFORE Plaintiff prays for:

- a) an award of back pay to compensate the Plaintiff for loss of salary, employment benefits, promotions and other job opportunities he has suffered;
- b) an order directing the Defendant to place Plaintiff in a position he would have held or would be holding had he not been discriminated against, such award including, but not limited to, reinstatement or payment of front pay for reasonable time in the future;
- c) an award of costs of this suit and reasonable attorneys fees as allowed under the Fair Employment Practices Act;
- d) an award of prejudgment interest;
- e) an order enjoining the Defendant from engaging in unlawful discrimination practices;
- f) an order granting compensatory damages for pain and suffering of the Plaintiff as a result of the treatment to the Plaintiff by Defendant; and
- g) for such other and further relief as the Court deems just and proper under the circumstances.

JURY DEMAND

Plaintiff hereby demands trial by jury in Omaha, Douglas County, Nebraska on all issues presented herein.

DATED this 17<sup>th</sup> day of November 2009.

MICHAEL SNYDER, Plaintiff.

By: 

Richard J. Dinsmore, #11019

Jayson D. Nelson, #22111

Law Offices of Richard J. Dinsmore, PC

1905 Harney Street, Suite 710

Omaha, Nebraska 68102

(402) 341-2020

(402) 341-1851 facsimile

ATTORNEYS FOR PLAINTIFF.



*State of Nebraska*  
**NEBRASKA EQUAL OPPORTUNITY COMMISSION**

Michael Snyder,  
Complainant,

vs.

Dollar General,  
Respondent.

**ADMINISTRATIVE**  
**CLOSURE**

NEB 2-07/08-1-38780-R  
EEOC 32E-2008-00261

Pursuant to the Nebraska Fair Employment Practice Act, the above referenced case was filed with the Nebraska Equal Opportunity Commission (NEOC). The Commission served the charge on the Respondent. The above-referenced charge was dual filed with the U.S. Equal Employment Opportunity Commission.

Conciliation efforts in the above-referenced matter were unsuccessful and the Complainant did not request a public hearing. Therefore, the Nebraska Equal Opportunity Commission hereby administratively closes and dismisses the above-referenced case due to the fact that the Complainant has the option to pursue this matter in Federal or State District Court. The deadline for filing an action directly in state district court is 90 days after the receipt of this notice.

Since this charge was also filed under Federal law, you may contact the U.S. Equal Employment Opportunity Commission in St. Louis, Missouri within fifteen (15) days of your receipt of this notice regarding this case. Requests for a Substantial Weight Review must be made in writing to Joseph Wilson, State and Local Coordinator, U.S. Equal Employment Opportunity Commission, St. Louis District Office, 1222 Spruce Avenue, Room 8.100, St. Louis, MO, 63103.

This action shall take effect fifteen (15) days from the date of this Determination. If there are any questions regarding this decision or if the Commission can be of further assistance, please contact the undersigned immediately.

**AUG 21 2009**

Date

*Arnold C. Smith*  
For the Commission

**MAIN OFFICE:**

01 Centennial Mall, South ☐  
PO Box 94934  
Lincoln, NE 68509-4934  
Phone: 402-471-2024  
Fax: 402-471-4059  
800-642-6112  
www.NEOC.ne.gov

**BRANCH OFFICES:**

1313 Farnam-on-the-Mall ☐  
Omaha, NE 68102-1836  
Phone: 402-595-2028  
Fax: 402-595-1205  
800-382-7820

4500 Avenue I ☐  
PO Box 1500  
Scottsbluff, NE 69363-1500  
Phone: 308-632-1340  
Fax: 308-632-1341  
800-830-8633

**EXHIBIT**

**A**



Law Offices of  
**Richard J. Dinsmore, P.C., L.L.O.**  
The Exchange Building  
1905 Harney Street • Suite 710  
Omaha, Nebraska 68102

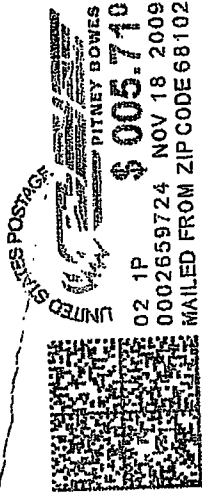


**CERTIFIED MAIL**



7005 2810 0001 1382 8250

*return receipt requested*



Dollar General  
a/k/a Dolgencorp, Inc.  
100 Mission Ridge  
Goodlettsville, TN 37072

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